

**Town of Mashpee  
Mashpee High School  
500 Old Barnstable Road  
Mashpee, MA 02649  
Special Town Meeting  
Monday, May 2, 2022**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 2nd day of May 2022 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

**Article 1**

To see if the Town will vote to appropriate and transfer a sum of money, not to exceed \$300,000, from revenue available for appropriation to the Snow & Ice Account, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** This article is necessary to fund a deficit in the Snow & Ice Account.

**The Board of Selectmen recommends approval of Article 1 by a vote of 5-0**

**The Finance Committee will make a recommendation of Article 1 at Town Meeting**

**Article 2**

To see if the Town will vote to appropriate and transfer the sum of \$1,065.92 from revenue available for appropriation to pay the previous fiscal year's compensation and unpaid bills as follows:

|                  |                     |           |
|------------------|---------------------|-----------|
| Jennifer Berry   | Retroactive Payment | \$ 240.64 |
| Robin Desrosiers | Retroactive Payment | \$ 235.84 |
| Scott Halligan   | Retroactive Payment | \$ 252.96 |
| Theresa Lambert  | Retroactive Payment | \$ 240.64 |
| WB Mason         | Unpaid Bill         | \$ 95.84  |

or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** This article is necessary to pay bills received after the end of a previous fiscal year.

**The Board of Selectmen recommends approval of Article 2 by a vote of 5-0**

**The Finance Committee recommends approval of Article 2 by a vote of 7-0**

### Article 3

To see if the Town will vote pursuant to G.L. c. 40, §47 to establish and adopt a new Town Seal in accordance with the recommendation of the Board of Selectmen as follows:



or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will approve a new Town Seal to replace the current one.

**The Board of Selectmen recommends approval of Article 3 by a vote of 5-0**

**The Finance Committee recommends approval of Article 3 by a vote of 7-0**

### Article 4

To see if the Town will vote to appropriate and transfer the sum of \$1,974,712 from revenue available for appropriation, to be deposited into the Capital Stabilization Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will set aside funds into the Capital Stabilization account for future capital expenditures in an effort to ensure the Town will maintain its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.

**The Board of Selectmen recommends approval of Article 4 by a vote of 5-0**

**The Finance Committee recommends approval of Article 4 by a vote of 7-0**

### Article 5

To see if the Town will vote to appropriate and transfer the sum of \$369,215 from revenue available for appropriation to the Natural Resources Capital Account for the customization of facilities for the Department of Natural Resources, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Capital Improvement Program Committee voted unanimously to recommend that the Town use revenue available for appropriation (“Free Cash”) to complete the customization of the purchased condominium units for the Department of Natural Resources and further, to be voted at the May Special Town Meeting for the funds to become available during Fiscal Year 2022.

| FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM |            |
|--|------------|
| PLANNING & CONSTRUCTION                      |            |
| DNR Facility                                 | \$ 369,215 |

**The Board of Selectmen recommends approval of Article 5 by a vote of 5-0**

**The Finance Committee recommends approval of Article 5 by a vote of 7-0**

### Article 6

To see if the Town will vote to appropriate and transfer the sum of \$1,260,950 from revenue available for appropriation to the Department of Public Works Capital Account for the Mashpee Middle-High School Field Improvements, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Capital Improvement Program Committee voted unanimously to recommend that the Town use revenue available for appropriation (“Free Cash”) to improve the athletic fields at Mashpee Middle-High School, specifically replacement of the grass field in the stadium with synthetic turf and reconstruction of the track and further, to be voted at the May Special Town Meeting for the funds to become available during Fiscal Year 2022. The full cost of this project is \$2,970,350 with the balance of the funding, \$1,709,400 appearing as an article submitted by the Community Preservation Committee (CPC).

| FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM |              |
|--|--------------|
| PLANNING & CONSTRUCTION                      |              |
| MMHS Field Improvements                      | \$ 1,260,950 |

**The Board of Selectmen recommends approval of Article 6 by a vote of 5-0**

**The Finance Committee recommends approval of Article 6 by a vote of 6-0**

### Article 7

To see if the Town will vote to appropriate and transfer the sum of \$57,900 from revenue available for appropriation to the Department of Public Works Capital Account for the purchase of a Compact Track Loader contingent upon the award of the Shared Streets and Spaces Grant, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Capital Improvement Program Committee voted unanimously to recommend that the Town use revenue available for appropriation (“Free Cash”) to purchase a compact track loader to be used for snow removal to allow for a faster response for plowing the pedestrian bicycle facilities after a storm. The purchase is contingent upon the Town receiving approval of a Shared Streets and Spaces grant.

| FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM |           |
|--|-----------|
| DPW  |           |
| Compact Track Loader with V-plow attachment  | \$ 57,900 |

**The Board of Selectmen recommends approval of Article 7 by a vote of 5-0**

**The Finance Committee recommends approval of Article 7 by a vote of 7-0**

## Article 8

To see if the Town will vote to appropriate and transfer the sum of \$25,000 from revenue available for appropriation to pay for costs associated with the preparation and possible implementation of the Residential Tax Exemption for the FY 2023 tax year, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** This article will provide funding for costs associated with preparation for possible implementation of the residential tax exemption for FY 2023. These costs include software updates, printing, mailing and consultant fees, if necessary.

**The Board of Selectmen recommends approval of Article 8 by a vote of 5-0**

**The Finance Committee recommends approval of Article 8 by a vote of 4-2**

## Article 9

To see if the Town will appropriate and transfer pursuant to the provisions of M.G.L. Chapter 44B, §6 to reserve from the Community Preservation Fund Budgeted for Appropriation Reserve, the following amounts:

|             |                                    |
|-------------|------------------------------------|
| \$28,692.00 | 10% Open Space/Recreation Purposes |
| \$28,692.00 | 10% Historic Purposes              |
| \$28,692.00 | 10% Affordable Housing Purposes    |

or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** This is a “clean-up” article to meet the requirement of reserving funds from the CPA FY 2022 Trust Fund distribution. The amount of FY 2022 state reimbursement received by the Town of Mashpee was \$286,926 higher than the initial estimate. We are required to set aside 10% of those excess funds and deposit them into each of the CPA reserves. Funding shall derive from the Community Preservation Budgeted for Appropriation Reserve.

The Community Preservation Committee recommends approval of Article 9 by a vote of 7-0.

**The Board of Selectmen recommends approval of Article 9 by a vote of 5-0**

**The Finance Committee recommends approval of Article 9 by a vote of 7-0**

## Article 10

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Affordable Housing Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$50,000 for the purpose of funding the Housing Production Plan, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to update the Town's Housing Production Plan (HPP) in consideration of the demographic shifts over the past 10 years, changes in population, and added housing stock since 2010. This includes visioning work associated to the update of the Local Comprehensive Plan (LCP) that has not been modified since 1998.

The HPP provides framework to meet the 10% mandate of housing eligible for inclusion on the State's Subsidized Housing Inventory. An approved Plan also leverages state grant funds.

The total cost of this project is \$50,000. Grant funds would be sought as an offset. Unused funding would be returned to the coffers of the CPA. The update of the Plan is expected to begin in the summer of 2022 with completion in approximately 6 months thereafter.

The Community Preservation Committee recommends approval of Article 10 by a vote of 8-0.

**The Board of Selectmen recommends approval of Article 10 by a vote of 5-0**

**The Finance Committee recommends approval of Article 10 by a vote of 6-0**

## Article 11

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Historic Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$19,680 for the purpose of funding the HVAC Unit for the Mashpee One-Room Schoolhouse including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to provide extended access to the One-Room Schoolhouse and to protect, preserve and enhance the property of historical significance. The One-Room Schoolhouse is listed on the National Register and as a Historical Place by the Massachusetts Historical Commission. The schoolhouse is also located in the Mashpee Historic District.

A split HVAC system would control the air quality and temperature of the historic 1831 building. The unit is proposed to blend into the wood beams on the back of the wall with piping to be contained in a false ceiling to maintain the buildings historic appearance. For energy efficiency the heat and air system would operate only when the schoolhouse is in use. With approval the project would be completed in July 2022.

The Community Preservation Committee recommends approval of Article 11 by a vote of 7-0-1.

**The Board of Selectmen recommends approval of Article 11 by a vote of 5-0**

**The Finance Committee recommends approval of Article 11 by a vote of 7-0**

## Article 12

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Historic Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$86,000 for the purpose of funding the Mashpee War Monument Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project remains the same. To honor, recognize and pay tribute to all Veterans from Mashpee to ensure their service and sacrifice to our country is made visible and never forgotten. With CPA funding construction of the monument would begin in the spring of 2022 with completion in early summer and a Town-wide dedication and celebration in the fall of 2022.

The additional funding request would be added to available CPA funding to purchase a solid granite monument shaped in the design of a wave with the Veterans names, conflict and dedication along with medallions depicting the military branches and new Town Seal. Work includes delivery and installation, an electrical and landscape budget as well as project contingency. This will be an everlasting memorial dedicated to honor Mashpee Veterans.

The Community Preservation Committee recommends approval of Article 12 by a vote of 9-0.

**The Board of Selectmen recommends approval of Article 12 by a vote of 5-0**

**The Finance Committee recommends approval of Article 12 by a vote of 7-0**

## Article 13

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Historic Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$42,438 for the purpose of funding the Restoration of Lakewood Cemetery Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to ensure the Town-owned cemetery is protected, preserved and restored as necessary to provide dignity and honor. The cemetery is the final resting place of Ezra Jones, a Civil War Veteran. Most of the deceased are English and early settlers dating back to 1805.

The project includes survey work, tree work, stump grinding, fencing, landscaping and gravestone cleaning and repair. With landscape improvements and the cleaning and restoration of the gravestones, the ancient cemetery would be eligible to serve on the National Register of Historic Places.

The Community Preservation Committee recommends approval of Article 13 by a vote of 9-0.

**The Board of Selectmen recommends approval of Article 13 by a vote of 5-0**

**The Finance Committee recommends approval of Article 13 by a vote of 7-0**

## Article 14

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Open Space/Recreation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$18,086 for the purpose of funding the Mashpee Community Garden Expansion Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to support the garden expansion by an additional 14 garden plots to meet the gardening demand. CPA funding would support garden bed construction, pathways, additional fencing, expanded irrigation and water service areas to include the construction of demonstration gardens and historic and gardening information. The project would provide continued beautification of Town-owned recreational land and promote Mashpee as a Green Community.

The Community Preservation Committee recommends approval of Article 14 by a vote of 9-0.

**The Board of Selectmen recommends approval of Article 14 by a vote of 5-0**

**The Finance Committee recommends approval of Article 14 by a vote of 7-0**

## Article 15

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Affordable Housing Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$168,084 for the purpose of funding the Homeyer Village Roof Replacement Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to preserve affordable housing for the senior population residing at the Frank J. Homeyer Village. A new roof is required to preserve and maintain the integrity of the facility. The asphalt roof shingles and other system components are original to the 1990 building. Conditions include worn, brittle, curling and missing roof shingles.

CPA funding at the state-aided senior development would leverage Department of Housing & Community Development (DHCD) funding as well as High Leverage Asset Preservation (HILAP) grant funds for additional capital repairs.

The Community Preservation Committee recommends approval of Article 15 by a vote of 9-0.

**The Board of Selectmen recommends approval of Article 15 by a vote of 5-0**

**The Finance Committee recommends approval of Article 15 by a vote of 7-0**

## Article 16

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Affordable Housing Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$264,893 for the purpose of funding the Breezy Way Roofs, Siding & Windows Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to provide safe, adequate, and affordable housing to low-income seniors, and families. The Breezy Way units are deemed affordable in perpetuity. Preservation of the facility includes roof replacement, siding and windows, all in disrepair and original to the 1990 building.

All preservation work has been confirmed by the DHCD as an acceptable use of CPA funds. With CPA funding, the Mashpee Housing Authority is eligible to apply for HILAP funds and sustainability funds leveraging multiple grant sources to preserve the buildings for the families residing in this community.

The Community Preservation Committee recommends approval of Article 16 by a vote of 9-0.

**The Board of Selectmen recommends approval of Article 16 by a vote of 5-0**

**The Finance Committee recommends approval of Article 16 by a vote of 7-0**

## **Article 17**

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund Uncommitted Fund Balance in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$1,709,400 for the purpose of funding the Multi-Purpose Track & Field Stadium Renovation Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to sustain the current athletic program at the Mashpee Middle/High School (MMHS) by replacing the track and multi-purpose field in the stadium original to the school's construction in 1996.

Complete reconstruction is necessary. Over the past 25 years the track has been resurfaced. The surface is now defective and it is deteriorating extending into the base and sub-base of the track creating un-safe conditions.

A total of 25 teams, more than 4,500 students use the facility during the fall and spring seasons and it is also used by all MMHS students as part of the gym curriculum. The facility is used and is available for the public during non-school hours. It is expected the field would be available for Mashpee youth sport leagues and/or Recreation Department programs during non-school hours, and would be available for rental by other organizations, subject to scheduled usages.

The total projected cost is \$2,970,350. The total CPA request is \$1,709,400. CPA funding would support general contracting, site preparation/demolition, concrete, track, fencing, walkways/access, site amenities, utilities, site improvements, stadium lighting (LED conversion) and contingency in the amount of 20% due to uncertain economic conditions. Work proposed under the CPA conforms to the mandates of the Community Preservation Act. Improvements to the field will not be CPA funded and that component of the work is included in the Capital Improvement Program (CIP) plan presented as a separate article.

With approvals the project would go to bid in early spring with construction to commence in the Summer of 2022. It is anticipated the majority of work would be completed prior to the onset of the new school year.

The Community Preservation Committee recommends approval of Article 17 by a vote of 8-1.

**The Board of Selectmen recommends approval of Article 17 by a vote of 5-0**

**The Finance Committee recommends approval of Article 17 by a vote of 6-0**



## Article 18

To see if the Town will vote to rescind the authority to issue the following un-issued balances of authorized bonds or notes pursuant to the votes adopted under the following articles to the extent not previously exercised, or take any other action relating thereto.

| Submitted by the Town Treasurer |           |               |                              |
|---------------------------------|-----------|---------------|------------------------------|
| Town Meeting                    | Article # | Balance       | Purpose                      |
| October 15, 2018                | 22        | \$ 210,953.75 | Pimlico Heights Road Project |
| May 6, 2019                     | 29        | \$ 108,030.00 | Leather Leaf Road Project    |
| May 6, 2019                     | 18        | \$ 599,277.00 | Chapter 90/ 2020             |

**Explanation:** This article is for the purpose of rescinding loans authorized for capital projects that have been completed. This will enable the Town Accountant to remove the un-issued balances.

**The Board of Selectmen recommends approval of Article 18 by a vote of 5-0**

**The Finance Committee recommends approval of Article 18 by a vote of 7-0**

## Article 19

To see if the Town will vote to transfer a sum of money, not to exceed \$80,000 from revenue available for appropriation to fund a groundwater infiltration test to quantify the amount of treated wastewater effluent that may safely and responsibly be discharged the Town's wastewater treatment facility, or take any other action relating thereto.

Submitted by the Sewer Commission

**Explanation:** The Town has a groundwater discharge permit that limits effluent disposal to 120,000 gallons per day, an amount sufficient for the wastewater being collected and treated under Phase 1 of the Clean Water Plan but well under the future needs of the town. A new hydraulic study will be used to determine the amount of highly treated effluent that may be discharged at the site without having impacts on surrounding developments and adjacent water resources.

**The Board of Selectmen recommends approval of Article 19 by a vote of 5-0**

**The Finance Committee recommends approval of Article 19 by a vote of 7-0**

## Article 20

To see if the Town will vote to appropriate and transfer the sum of \$450,000 from revenue available for appropriation to fund Santuit Pond Resiliency Projects: stormwater improvements and nutrient inactivation, or take any other action relating thereto.

Submitted by the Department of Natural Resources

**Explanation:** This article is necessary to continue efforts to address nutrient pollution and enhance resilience in Santuit Pond. These funds would provide local match to leverage additional grant funding available through the Massachusetts Municipal Vulnerability Program (MVP) for the design and construction of stormwater improvements within the Santuit Pond watershed. These funds will also be used to study the feasibility towards implementation of an Aluminum Sulfate nutrient inactivation treatment within the pond to treat excess phosphorus and symptoms of eutrophication i.e. excess harmful cyanobacteria blooms. Aluminum Sulfate was previously determined to be a method of choice in the AECOM Santuit Pond Diagnostic Study est. 2010 to reduce the internal load of phosphorus within the Pond.

**The Board of Selectmen recommends approval of Article 20 by a vote of 5-0**

**The Finance Committee recommends approval of Article 20 by a vote of 7-0**

## **Article 21**

To see if the Town will vote to appropriate and transfer the sum of **\$253,500** from revenue available for appropriation to cover costs associated with identified priority restoration projects in the Town of Mashpee, including improvements to fish passage on Johns Pond and Mashpee Pond, improvements to storm water runoff treatment at Mashpee Neck Rd for water quality, and replacement of the culvert at Red Brook.

**Explanation:** The Cape Cod Water Resources Restoration Project (CCWRRP) is a partnership of federal, state and local agencies as well as all 15 Cape Cod Towns and the USDA's Natural Resource Conservation Service (NRCS) started in 2010. The collective goal of this partnership was to identify priority restoration projects throughout Cape Cod in the interest of improving diadromous fish passage, restoration of salt marsh systems and remediation of storm water runoff to improve water quality and protect shellfish beds. An estimated \$30 million dollars is available for funding on 76 identified restoration sites throughout the Cape. The Town is required to provide a 25% match of estimated construction costs plus monies for permitting for these funded projects, including the following:

**Johns Pond Spillway and Fish Ladder:** The existing fish ladder and spillway experience substantial and consistent sediment and debris loading from the pond, impacting fish passage and requiring frequent maintenance including annual dredging with heavy machinery. The upstream and downstream channel embankments are severely degraded, resulting in constant erosion and filling in of the stream channel. Design improvements to reduce sediment loading and rebuild/regrade up and downstream embankments to address erosion issues. **Total estimated construction cost: \$330,000. Town Match = \$89,000**

**Mashpee Pond Outlet:** Similar to the issues at the Johns Pond fish ladder, the Mashpee River outlet experiences frequent sediment loading from Mashpee Pond. The immediate downstream embankments are being filled in with sediment, requiring annual dredging and frequent maintenance. The downstream embankments are being undercut and eroded. A previous bank erosion control effort from the mid-90s has deteriorated along this stretch of the upper Mashpee River, resulting in a widening of the river, which when combined with sediment loading, creates shallow areas of stream bed, causing issues for fish passage. Design improvements to address sediment loading into the water control outlet structure and fortification/rebuilding of riverbanks to prevent erosion and increase channel depth for fish passage. **Total estimated construction cost: \$278,000. Town Match = \$75,000**

Mashpee Neck Storm Water Improvements: CCWRRP funded installation of drainage improvements on Mashpee Neck Road in 2011/2012 to address water quality issues in Shoestring Bay that was impacting shellfish beds. Subsequent testing has found that additional improvements are needed immediately adjacent to the Town's boat ramp (Edward A. Baker Boat Ramp at Pirate's Cove) to capture and provide additional treatment of the storm water. ***Total estimated construction cost: \$104,000. Town Match = \$28,000***

This article is also requesting funding for design for the replacement of the Red Brook Road Culvert. The culvert includes a water control structure for the adjacent abandoned cranberry bog. This structure is classified as a significant hazard dam by the MA Office of Dam Safety and inspection has found it to be in poor condition. The dam is owned jointly by the Towns of Mashpee and Falmouth and the towns are currently working with the MA Division of Ecological Restoration on conceptual design plans for replacement of the culvert. The design would include improvements to water quality, provision of fish passage, and elimination of flooding on Red Brook Road. Funding is needed for final design and permitting. These costs would be split with the Town of Falmouth. The towns will be applying for grants to assist with design and construction; if successful, these funds could be used instead as any required local match. ***Total estimated design cost: \$123,000. Town Share = \$61,500***

Submitted by the Conservation Commission

**The Board of Selectmen recommends approval of Article 21 by a vote of 5-0**

**The Finance Committee recommends approval of Article 21 by a vote of 7-0**

## **Article 22**

To see if the Town will vote to appropriate and transfer the sum of **\$35,000** from revenue available for appropriation for the planning, permitting, treatment and eradication of invasive milfoil on Johns Pond and Santuit Pond, or take any other action relating thereto.

Submitted by the Conservation Commission

### **Explanation:**

**Johns Pond-** Milfoil is a well-documented invasive aquatic weed that can spread rapidly and out-compete native species, resulting in loss of native aquatic habitat and adversely impacting recreational opportunities. In the summer of 2021, invasive milfoil was detected by residents on Johns Pond and reported to the Conservation Department and Department of Natural Resources. Subsequent to this, the town appropriated emergency funding to engage a contractor and secured wetland permits to conduct a pond-wide survey and treatment of milfoil using a state approved aquatic herbicide. A total of 8 acres of Johns Pond was identified for milfoil infestation and subsequently treated. A summary report and post treatment survey on the pond revealed that most, if not all of the milfoil has been successfully eradicated; however, as is the case when dealing with invasive species, a follow up survey for the next growing season is recommended to ensure complete eradication. The contractor hired to conduct this work (*Water and Wetlands LLC*) recommends budgeting approximately \$5,500 to cover the costs of a follow up pond-wide survey in the late spring/early summer of 2022 to check for any remaining areas of milfoil infestation. This estimate also includes potential treatment of any detected areas. I recommend an additional \$1,000 for any contingencies, bringing the total amount of requested funding to **\$6,500**. Ideally, no detections will be found and funding for treatment will not be needed; however, until a follow up survey is conducted, this is an unknown.

**Santuit Pond:** In the late fall of 2021, The Department of Natural Resources discovered invasive milfoil infestation in Santuit Pond. Preliminary observations using GPS tracking indicate roughly 6+ acres of pond area that are currently infested with milfoil. Funding will be needed to pay a qualified contractor to conduct a full pond-wide survey and subsequent treatment of milfoil based on survey results. Using the costs of milfoil surveying, permitting and eradication on Johns Pond as a reference, funding in the amount of **\$28,500** is requested to cover all estimated costs for eradication of invasive milfoil (including permitting, surveying, treatment(s) and contingency costs)

**The Board of Selectmen recommends approval of Article 22 by a vote of 5-0**

**The Finance Committee recommends approval of Article 22 by a vote of 7-0**

**THIS CONCLUDES THE BUSINESS OF THE SPECIAL TOWN MEETING**

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 21st day of March in the year two thousand and twenty two.

Per Order of,  
**Board of Selectmen**

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Carol A. Sherman, Chair

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David W. Weeden, Vice Chair

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Andrew R. Gottlieb, Clerk

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John J. Cotton

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Thomas F. O'Hara

**Town of Mashpee  
Mashpee High School  
500 Old Barnstable Road  
Mashpee, MA 02649  
Annual Town Meeting  
Monday, May 2, 2022**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 2nd day of May 2022 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

**Article 1**

To see if the Town will vote to accept the reports of the Town officers, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The 2021 Annual Town Report in which the reports of Town officers are presented is available at the Town Meeting and at the Town Hall.

**The Board of Selectmen recommends approval of Article 1 by a vote of 5-0**

**The Finance Committee recommends approval of Article 1 by a vote of 6-0**

**Article 2**

To see if the Town will vote to fix the salaries of the following elected officers as provided in Chapter 41, Section 108, of the Massachusetts General Laws for the period of July 1, 2022 to June 30, 2023, and further, to see if the Town will vote to appropriate, raise, and/or transfer a sum of money to defray the Town's expenses for the ensuing fiscal year, according to the following line item budget, with the maximum amount to be appropriated as shown in the column entitled "FY 2023 Department Request" (see Omnibus Budget), or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article seeks to fund the annual operating budgets for the various Town Departments.

**The Board of Selectmen recommends approval of Article 2 by a vote of 5-0**

**The Finance Committee recommends approval of Article 2 by a vote of 6-0**

| DEPARTMENT                     |    | FY 2022<br>BUDGET | FY 2023<br>DEPARTMENT<br>REQUEST | FY 2023<br>FINANCE<br>COMMITTEE<br>RECOMMEND | FY 2023<br>TOWN MGR<br>RECOMMEND |
|--------------------------------|----|-------------------|----------------------------------|--|----------------------------------|
| <b>MODERATOR</b>               |    |                   |                                  |  |                                  |
| SALARY                         | 1  | 200               | 200                              | 200  | 200                              |
| <b>TOTAL</b>                   |    | <b>200</b>        | <b>200</b>                       | <b>200</b>                                   | <b>200</b>                       |
| <b>SELECTMEN</b>               |    |                   |                                  |  |                                  |
| SALARY-ELECTED                 | 2  | 15,500            | 15,500                           | 15,500                                       | 15,500                           |
| SALARY/WAGE                    | 3  | 411,950           | 459,755                          | 436,055                                      | 436,055                          |
| EXPENSE                        | 4  | 38,500            | 38,500                           | 38,500                                       | 38,500                           |
| LEG/ENG/CONSULTING             | 5  | 385,000           | 385,000                          | 385,000                                      | 385,000                          |
| <b>TOTAL</b>                   |    | <b>850,950</b>    | <b>898,755</b>                   | <b>875,055</b>                               | <b>875,055</b>                   |
| <b>FINANCE COMMITTEE</b>       |    |                   |                                  |  |                                  |
| RESERVE FUND                   | 6  | 87,700            | 100,000                          | 100,000                                      | 100,000                          |
| EXPENSE                        | 7  | 70,000            | 75,000                           | 75,000                                       | 75,000                           |
| <b>TOTAL</b>                   |    | <b>157,700</b>    | <b>175,000</b>                   | <b>175,000</b>                               | <b>175,000</b>                   |
| <b>TOWN ACCOUNTANT</b>         |    |                   |                                  |  |                                  |
| SALARY/WAGE                    | 8  | 300,236           | 328,535                          | 304,765                                      | 304,765                          |
| EXPENSE                        | 9  | 2,675             | 3,175                            | 3,175  | 3,175                            |
| <b>TOTAL</b>                   |    | <b>302,911</b>    | <b>331,710</b>                   | <b>307,940</b>                               | <b>307,940</b>                   |
| <b>ASSESSORS</b>               |    |                   |                                  |  |                                  |
| SALARY-APPOINTED               | 10 | 3,000             | 3,000                            | 3,000  | 3,000                            |
| SALARY/WAGE                    | 11 | 310,995           | 291,528                          | 266,788                                      | 266,788                          |
| EXPENSE                        | 12 | 6,400             | 6,000                            | 6,000  | 6,000                            |
| <b>TOTAL</b>                   |    | <b>320,395</b>    | <b>300,528</b>                   | <b>275,788</b>                               | <b>275,788</b>                   |
| <b>TREASURER/TAX COLLECTOR</b> |    |                   |                                  |  |                                  |
| SALARY/WAGE                    | 13 | 264,972           | 274,760                          | 274,760                                      | 274,760                          |
| EXPENSE                        | 14 | 48,900            | 47,400                           | 47,400                                       | 47,400                           |
| DEBT SERVICE                   | 15 | 2,500             | 2,500                            | 2,500  | 2,500                            |
| FORECLOSURE                    | 16 | 12,000            | 12,000                           | 12,000                                       | 12,000                           |
| <b>TOTAL</b>                   |    | <b>328,372</b>    | <b>336,660</b>                   | <b>336,660</b>                               | <b>336,660</b>                   |
| <b>HUMAN RESOURCES</b>         |    |                   |                                  |  |                                  |
| SALARY/WAGE                    | 17 | 387,660           | 436,813                          | 436,813                                      | 436,813                          |
| EXPENSE                        | 18 | 113,519           | 112,837                          | 100,637                                      | 100,637                          |
| <b>TOTAL</b>                   |    | <b>501,179</b>    | <b>549,650</b>                   | <b>537,450</b>                               | <b>537,450</b>                   |

| DEPARTMENT                           |    | FY 2022<br>BUDGET | FY 2023<br>DEPARTMENT<br>REQUEST | FY 2023<br>FINANCE<br>COMMITTEE<br>RECOMMEND | FY 2023<br>TOWN MGR<br>RECOMMEND |
|--------------------------------------|----|-------------------|----------------------------------|--|----------------------------------|
| <b>INFORMATION TECHNOLOGY</b>        |    |                   |                                  |  |                                  |
| SALARY/WAGE                          | 19 | 374,048           | 389,985                          | 389,985                                      | 389,985                          |
| EXPENSE                              | 20 | 314,328           | 329,882                          | 321,756                                      | 321,756                          |
| EQUIPMENT REPLACEMENT                | 21 | 27,000            | 27,000                           | 27,000                                       | 27,000                           |
| <b>TOTAL</b>                         |    | <b>715,376</b>    | <b>746,867</b>                   | <b>738,741</b>                               | <b>738,741</b>                   |
| <b>TOWN CLERK</b>                    |    |                   |                                  |  |                                  |
| SALARY-ELECTED                       | 22 | 93,355            | 98,890                           | 98,890                                       | 98,890                           |
| SALARY/WAGE                          | 23 | 105,251           | 108,890                          | 108,890                                      | 108,890                          |
| EXPENSE                              | 24 | 9,175             | 8,875                            | 8,875  | 8,875                            |
| <b>TOTAL</b>                         |    | <b>207,781</b>    | <b>216,655</b>                   | <b>216,655</b>                               | <b>216,655</b>                   |
| <b>ELECTIONS &amp; REGISTRATIONS</b> |    |                   |                                  |  |                                  |
| SALARY/WAGE                          | 25 | 63,095            | 66,486                           | 66,486                                       | 66,486                           |
| EXPENSE                              | 26 | 23,000            | 27,200                           | 27,200                                       | 27,200                           |
| <b>TOTAL</b>                         |    | <b>86,095</b>     | <b>93,686</b>                    | <b>93,686</b>                                | <b>93,686</b>                    |
| <b>CONSERVATION</b>                  |    |                   |                                  |  |                                  |
| SALARY/WAGE                          | 27 | 228,350           | 220,561                          | 220,561                                      | 220,561                          |
| EXPENSE                              | 28 | 5,336             | 5,824                            | 5,824  | 5,824                            |
| HERRING EXPENSE                      | 29 | 500               | 500                              | 500  | 500                              |
| <b>TOTAL</b>                         |    | <b>234,186</b>    | <b>226,885</b>                   | <b>226,885</b>                               | <b>226,885</b>                   |
| <b>NATURAL RESOURCES</b>             |    |                   |                                  |  |                                  |
| SALARY/WAGE                          | 30 | 508,932           | 643,420                          | 643,420                                      | 643,420                          |
| EXPENSE                              | 31 | 132,840           | 195,960                          | 189,710                                      | 189,710                          |
| PROPAGATION                          | 32 | 135,000           | 240,650                          | 240,650                                      | 240,650                          |
| <b>TOTAL</b>                         |    | <b>776,772</b>    | <b>1,080,030</b>                 | <b>1,073,780</b>                             | <b>1,073,780</b>                 |
| <b>PLANNING BOARD</b>                |    |                   |                                  |  |                                  |
| EXPENSE                              | 33 | 1,125             | 11,125                           | 11,125                                       | 11,125                           |
| <b>TOTAL</b>                         |    | <b>1,125</b>      | <b>11,125</b>                    | <b>11,125</b>                                | <b>11,125</b>                    |
| <b>PLANNING DEPARTMENT</b>           |    |                   |                                  |  |                                  |
| SALARY/WAGE                          | 34 | 142,730           | 152,930                          | 152,930                                      | 152,930                          |
| EXPENSE                              | 35 | 4,125             | 4,125                            | 4,125  | 4,125                            |
| <b>TOTAL</b>                         |    | <b>146,855</b>    | <b>157,055</b>                   | <b>157,055</b>                               | <b>157,055</b>                   |
| <b>TOWN HALL</b>                     |    |                   |                                  |  |                                  |
| EXPENSE                              | 36 | 282,000           | 282,000                          | 282,000                                      | 282,000                          |
| <b>TOTAL</b>                         |    | <b>282,000</b>    | <b>282,000</b>                   | <b>282,000</b>                               | <b>282,000</b>                   |
|                                      |    |                   |                                  |  |                                  |



| DEPARTMENT                |    | FY 2022<br>BUDGET | FY 2023<br>DEPARTMENT<br>REQUEST | FY 2023<br>FINANCE<br>COMMITTEE<br>RECOMMEND | FY 2023<br>TOWN MGR<br>RECOMMEND |
|---------------------------|----|-------------------|----------------------------------|--|----------------------------------|
| <b>POLICE</b>             |    |                   |                                  |  |                                  |
| SALARY/WAGE               | 37 | 4,404,421         | 4,610,509                        | 4,610,509                                    | 4,610,509                        |
| EXPENSE                   | 38 | 317,681           | 317,681                          | 317,681                                      | 317,681                          |
| DISPATCHERS SALARY/WAGE   | 39 | 548,095           | 571,660                          | 571,660                                      | 571,660                          |
| <b>TOTAL</b>              |    | <b>5,270,197</b>  | <b>5,499,850</b>                 | <b>5,499,850</b>                             | <b>5,499,850</b>                 |
| <b>FIRE</b>               |    |                   |                                  |  |                                  |
| SALARY/WAGE               | 40 | 4,158,990         | 4,347,867                        | 4,347,867                                    | 4,347,867                        |
| EXPENSE                   | 41 | 507,723           | 521,018                          | 514,693                                      | 514,693                          |
| <b>TOTAL</b>              |    | <b>4,666,713</b>  | <b>4,868,885</b>                 | <b>4,862,560</b>                             | <b>4,862,560</b>                 |
| <b>BUILDING INSPECTOR</b> |    |                   |                                  |  |                                  |
| SALARY/WAGE               | 42 | 332,993           | 350,826                          | 341,776                                      | 341,776                          |
| EXPENSE                   | 43 | 29,375            | 32,070                           | 32,070                                       | 32,070                           |
| <b>TOTAL</b>              |    | <b>362,368</b>    | <b>382,896</b>                   | <b>373,846</b>                               | <b>373,846</b>                   |
| <b>TREE WARDEN</b>        |    |                   |                                  |  |                                  |
| EXPENSE                   | 44 | -                 | -                                | -  | -                                |
| <b>TOTAL</b>              |    | <b>-</b>          | <b>-</b>                         | <b>-</b>                                     | <b>-</b>                         |
| <b>SCHOOL</b>             |    |                   |                                  |  |                                  |
| BUDGET                    | 45 | 23,299,435        | 24,003,261                       | 23,402,261                                   | 23,402,261                       |
| <b>TOTAL</b>              |    | <b>23,299,435</b> | <b>24,003,261</b>                | <b>23,402,261</b>                            | <b>23,402,261</b>                |
| <b>DPW</b>                |    |                   |                                  |  |                                  |
| SALARY/WAGE               | 46 | 2,756,526         | 2,827,614                        | 2,827,614                                    | 2,827,614                        |
| EXPENSE                   | 47 | 965,420           | 1,098,985                        | 1,098,985                                    | 1,098,985                        |
| BUILDINGS & GROUNDS       | 48 | 1,300,311         | 1,440,481                        | 1,440,481                                    | 1,440,481                        |
| <b>TOTAL</b>              |    | <b>5,022,257</b>  | <b>5,367,080</b>                 | <b>5,367,080</b>                             | <b>5,367,080</b>                 |
| <b>SNOW &amp; ICE</b>     |    |                   |                                  |  |                                  |
| EXPENSE                   | 49 | 116,570           | 116,570                          | 116,570                                      | 116,570                          |
| <b>TOTAL</b>              |    | <b>116,570</b>    | <b>116,570</b>                   | <b>116,570</b>                               | <b>116,570</b>                   |
| <b>STREET LIGHTING</b>    |    |                   |                                  |  |                                  |
| EXPENSE                   | 50 | 22,000            | 22,000                           | 22,000                                       | 22,000                           |
| <b>TOTAL</b>              |    | <b>22,000</b>     | <b>22,000</b>                    | <b>22,000</b>                                | <b>22,000</b>                    |
| <b>TRANSFER STATION</b>   |    |                   |                                  |  |                                  |
| EXPENSE                   | 51 | 1,078,249         | 1,120,062                        | 1,120,062                                    | 1,120,062                        |
| <b>TOTAL</b>              |    | <b>1,078,249</b>  | <b>1,120,062</b>                 | <b>1,120,062</b>                             | <b>1,120,062</b>                 |

| DEPARTMENT              |    | FY 2022<br>BUDGET | FY 2023<br>DEPARTMENT<br>REQUEST | FY 2023<br>FINANCE<br>COMMITTEE<br>RECOMMEND | FY 2023<br>TOWN MGR<br>RECOMMEND |
|-------------------------|----|-------------------|----------------------------------|--|----------------------------------|
| <b>WASTEWATER</b>       |    |                   |                                  |  |                                  |
| SALARY                  | 52 | 111,265           | 119,139                          | 119,139                                      | 119,139                          |
| EXPENSE                 | 53 | -                 | 13,450                           | 13,450                                       | 13,450                           |
| <b>TOTAL</b>            |    | <b>111,265</b>    | <b>132,589</b>                   | <b>132,589</b>                               | <b>132,589</b>                   |
| <b>CEMETERY</b>         |    |                   |                                  |  |                                  |
| EXPENSE                 | 54 | 15,000            | 15,000                           | 15,000                                       | 15,000                           |
| <b>TOTAL</b>            |    | <b>15,000</b>     | <b>15,000</b>                    | <b>15,000</b>                                | <b>15,000</b>                    |
| <b>HEALTH</b>           |    |                   |                                  |  |                                  |
| SALARY-APPOINTED        | 55 | 3,000             | 3,000                            | 3,000  | 3,000                            |
| SALARY/WAGE             | 56 | 321,105           | 309,339                          | 309,339                                      | 309,339                          |
| EXPENSE                 | 57 | 63,040            | 63,540                           | 63,540                                       | 63,540                           |
| <b>TOTAL</b>            |    | <b>387,145</b>    | <b>375,879</b>                   | <b>375,879</b>                               | <b>375,879</b>                   |
| <b>COUNCIL ON AGING</b> |    |                   |                                  |  |                                  |
| SALARY/WAGE             | 58 | 264,680           | 278,845                          | 270,485                                      | 270,485                          |
| EXPENSE                 | 59 | 43,627            | 45,973                           | 45,973                                       | 45,973                           |
| <b>TOTAL</b>            |    | <b>308,307</b>    | <b>324,818</b>                   | <b>316,458</b>                               | <b>316,458</b>                   |
| <b>VETERANS</b>         |    |                   |                                  |  |                                  |
| EXPENSE                 | 60 | 121,000           | 110,000                          | 110,000                                      | 110,000                          |
| MEMBERSHIP              | 61 | 41,500            | 45,650                           | 45,650                                       | 45,650                           |
| <b>TOTAL</b>            |    | <b>162,500</b>    | <b>155,650</b>                   | <b>155,650</b>                               | <b>155,650</b>                   |
| <b>HUMAN SERVICES</b>   |    |                   |                                  |  |                                  |
| SALARY/WAGE             | 62 | 85,601            | 91,228                           | 91,228                                       | 91,228                           |
| EXPENSE                 | 63 | 51,910            | 51,910                           | 51,910                                       | 51,910                           |
| <b>TOTAL</b>            |    | <b>137,511</b>    | <b>143,138</b>                   | <b>143,138</b>                               | <b>143,138</b>                   |
| <b>LIBRARY</b>          |    |                   |                                  |  |                                  |
| SALARY/WAGE             | 64 | 529,898           | 554,725                          | 554,725                                      | 554,725                          |
| EXPENSE                 | 65 | 193,467           | 208,624                          | 208,624                                      | 208,624                          |
| <b>TOTAL</b>            |    | <b>723,365</b>    | <b>763,349</b>                   | <b>763,349</b>                               | <b>763,349</b>                   |
| <b>RECREATION</b>       |    |                   |                                  |  |                                  |
| SALARY/WAGE             | 66 | 296,871           | 317,433                          | 317,433                                      | 317,433                          |
| EXPENSE                 | 67 | 32,125            | 30,875                           | 30,875                                       | 30,875                           |
| <b>TOTAL</b>            |    | <b>328,996</b>    | <b>348,308</b>                   | <b>348,308</b>                               | <b>348,308</b>                   |

| DEPARTMENT                       |           | FY 2022<br>BUDGET | FY 2023<br>DEPARTMENT<br>REQUEST | FY 2023<br>FINANCE<br>COMMITTEE<br>RECOMMEND | FY 2023<br>TOWN MGR<br>RECOMMEND |
|----------------------------------|-----------|-------------------|----------------------------------|--|----------------------------------|
| <b>HISTORICAL</b>                |           |                   |                                  |  |                                  |
| TEMP WAGE                        | 68        | 9,000             | 10,000                           | 10,000                                       | 10,000                           |
| EXPENSE                          | 69        | 6,830             | 6,830                            | 6,830  | 6,830                            |
| <b>TOTAL</b>                     |           | <b>15,830</b>     | <b>16,830</b>                    | <b>16,830</b>                                | <b>16,830</b>                    |
| <b>CULTURAL COUNCIL</b>          |           |                   |                                  |  |                                  |
| EXPENSE                          | 70        | 90                | 90                               | 90   | 90                               |
| <b>TOTAL</b>                     |           | <b>90</b>         | <b>90</b>                        | <b>90</b>                                    | <b>90</b>                        |
|                                  |           |                   |                                  |  |                                  |
| <b>PRINCIPAL INSIDE 2 1/2</b>    | <b>71</b> | <b>1,173,797</b>  | <b>978,800</b>                   | <b>978,800</b>                               | <b>978,800</b>                   |
|                                  |           |                   |                                  |  |                                  |
| <b>PRINCIPAL OUTSIDE 2 1/2</b>   | <b>72</b> | <b>805,000</b>    | <b>795,000</b>                   | <b>795,000</b>                               | <b>795,000</b>                   |
|                                  |           |                   |                                  |  |                                  |
| <b>INTEREST INSIDE 2 1/2</b>     | <b>73</b> | <b>209,138</b>    | <b>170,040</b>                   | <b>170,040</b>                               | <b>170,040</b>                   |
|                                  |           |                   |                                  |  |                                  |
| <b>INTEREST OUTSIDE 2 1/2</b>    | <b>74</b> | <b>261,125</b>    | <b>232,975</b>                   | <b>232,975</b>                               | <b>232,975</b>                   |
| Principal & Interest             |           |                   |                                  |  |                                  |
| <b>TEMP BORROW INSIDE 2 1/2</b>  | <b>75</b> | <b>117,280</b>    | <b>22,875</b>                    | <b>22,875</b>                                | <b>22,875</b>                    |
| Principal & Interest             |           |                   |                                  |  |                                  |
| <b>TEMP BORROW OUTSIDE 2 1/2</b> | <b>76</b> | <b>13,970</b>     | <b>31,000</b>                    | <b>31,000</b>                                | <b>31,000</b>                    |
|                                  |           |                   |                                  |  |                                  |
| <b>RETIREMENT EXPENSE</b>        | <b>77</b> | <b>3,704,763</b>  | <b>4,062,220</b>                 | <b>4,062,220</b>                             | <b>4,062,220</b>                 |
|                                  |           |                   |                                  |  |                                  |
| <b>UNEMPLOYMENT</b>              | <b>78</b> | <b>40,000</b>     | <b>40,000</b>                    | <b>40,000</b>                                | <b>40,000</b>                    |
|                                  |           |                   |                                  |  |                                  |
| <b>MEDICAL INSURANCE</b>         | <b>79</b> | <b>7,543,742</b>  | <b>8,731,590</b>                 | <b>8,251,590</b>                             | <b>8,251,590</b>                 |
|                                  |           |                   |                                  |  |                                  |
| <b>GROUP INSURANCE</b>           | <b>80</b> | <b>15,845</b>     | <b>15,845</b>                    | <b>15,845</b>                                | <b>15,845</b>                    |
|                                  |           |                   |                                  |  |                                  |
| <b>MEDICARE</b>                  | <b>81</b> | <b>485,155</b>    | <b>533,671</b>                   | <b>533,671</b>                               | <b>533,671</b>                   |
|                                  |           |                   |                                  |  |                                  |
| <b>TOWN INSURANCE</b>            | <b>82</b> | <b>946,520</b>    | <b>1,057,815</b>                 | <b>1,057,815</b>                             | <b>1,057,815</b>                 |
|                                  |           |                   |                                  |  |                                  |
| <b>TOTAL</b>                     |           | <b>62,256,030</b> | <b>65,734,892</b>                | <b>64,531,371</b>                            | <b>64,531,371</b>                |

### Article 3

To see if the Town will vote to appropriate and transfer the sum of \$1,385,740 from available funds to various department Capital Accounts, as specified in the chart accompanying this Article, or take any other action relating thereto.

Submitted by the Board of Selectmen

| FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM   |   |  |
|--|---|--|
| REQUESTS BY DEPARTMENT                         | FY 2023<br>CIP COMMITTEE<br>RECOMMENDATIONS | FY 2023<br>TOWN MANAGER<br>RECOMMENDATIONS |
| <b>DPW</b>                                     |   |  |
| Replace 2014 Ford F550                         | \$ 110,000                                  | \$ 110,000                                 |
| Replace 2017 John Deere Tractor                | \$ 63,500                                   | \$ 63,500                                  |
| Replace 2002 Evaco Trailer                     | \$ 35,000                                   | \$ 35,000                                  |
| Replace 1997 CAT ITG Loader (Year 1 of 3)      | \$ 80,000                                   | \$ 80,000                                  |
| <b>Total DPW</b>                               | <b>\$ 288,500</b>                           | <b>\$ 288,500</b>                          |
| <b>FIRE</b>                                    |   |  |
| Purchase 2 Vehicles (Chief 371/Inspector 373)  | \$ 130,000                                  | \$ 130,000                                 |
| Replace SCBA Compressor & Fill Station         | \$ 85,000                                   | \$ 85,000                                  |
| <b>Total Fire</b>                              | <b>\$ 215,000</b>                           | <b>\$ 215,000</b>                          |
| <b>INFORMATION TECHNOLOGY</b>                  |   |  |
| VMWare Server - Town Hall                      | \$ 50,000                                   | \$ 50,000                                  |
| <b>Total Information Technology</b>            | <b>\$ 50,000</b>                            | <b>\$ 50,000</b>                           |
| <b>NATURAL RESOURCES</b>                       |   |  |
| Replace Trucks                                 | \$ 90,200                                   | \$ 90,200                                  |
| Water Quality Sonde Replacements (3 @\$30,000) | \$ 90,000                                   | \$ 90,000                                  |
| <b>Total Natural Resources</b>                 | <b>\$ 180,200</b>                           | <b>\$ 180,200</b>                          |
| <b>PLANNING &amp; CONSTRUCTION</b>             |   |  |
| Flooring Replacement                           | \$ 89,640                                   | \$ 89,640                                  |
| MMHS Gymnasium Upgrades                        | \$ 75,000                                   | \$ 75,000                                  |
| Quashnet Gymnasium Upgrades                    | \$ 155,000                                  | \$ 155,000                                 |
| <b>Total Planning &amp; Construction</b>       | <b>\$ 319,640</b>                           | <b>\$ 319,640</b>                          |
| <b>POLICE</b>                                  |   |  |
| 10 Police Vehicles (Year 3 of 3)               | \$ 156,000                                  | \$ 156,000                                 |
| 4 Police Vehicles (Year 2 of 3)                | \$ 56,000                                   | \$ 56,000                                  |
| <b>Total Police</b>                            | <b>\$ 212,000</b>                           | <b>\$ 212,000</b>                          |

| FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM (CONTINUED) |   |  |
|--|---|--|
| REQUESTS BY DEPARTMENT                                   | FY 2023<br>CIP COMMITTEE<br>RECOMMENDATIONS | FY 2023<br>TOWN MANAGER<br>RECOMMENDATIONS |
| <b>SCHOOL</b>  |   |  |
| Kitchen Equipment Upgrades                               | \$ 25,000                                   | \$ 25,000                                  |
| Chromebook Leases  | \$ 45,000                                   | \$ 45,000                                  |
| Interactive Board Systems in Classrooms                  | \$ 25,000                                   | \$ 25,000                                  |
| IPAD Replacement   | \$ 25,400                                   | \$ 25,400                                  |
| <b>Total School</b>                                      | <b>\$ 120,400</b>                           | <b>\$ 120,400</b>                          |
|  |   |  |
| <b>TOTAL ALL DEPARTMENTS</b>                             | <b>\$ 1,385,740</b>                         | <b>\$ 1,385,740</b>                        |

**Explanation:** This article is to appropriate and transfer \$1,385,740 from the Capital Stabilization Fund for the FY 2023 capital budget. This article requires a 2/3rd vote.

**The Board of Selectmen recommends approval of Article 3 by a vote of 5-0**

**The Finance Committee recommends approval of Article 3 by a vote of 6-0**

#### **Article 4**

To see if the Town will vote to approve the annual regional school district budget for the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2022, in the amount of \$16,127,000 and further, to see if the Town will vote to raise and appropriate the sum of \$1,011,446 to meet its share of the cost of operation and maintenance of the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2022, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** Mashpee's share of the Cape Cod Regional Technical High School budget is \$1,011,446. There are currently 44 students from Mashpee at the Cape Cod Regional Technical High School, an increase of 4 students is projected for fiscal year 2023.

**The Board of Selectmen recommends approval of Article 4 by a vote of 5-0**

**The Finance Committee recommends approval of Article 4 by a vote of 6-0**

#### **Article 5**

To see if the Town will vote to approve the regional school district debt assessment for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2022, in the amount of \$6,081,325, and further, to see if the Town will vote to raise and appropriate the sum of \$473,869 to meet its share of the cost of debt for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2022, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** Mashpee's share of the Cape Cod Regional Technical High School debt for the Cape Cod Regional Technical High School Building Project for Fiscal Year 2023 is \$473,869.

**The Board of Selectmen recommends approval of Article 5 by a vote of 5-0**

**The Finance Committee recommends approval of Article 5 by a vote of 6-0**

## Article 6

To see if the Town will vote to appropriate and transfer the sum of \$250,000 from revenue available for appropriation to the Other Postemployment Benefits Irrevocable Trust Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will add funds to the OPEB Irrevocable Trust Fund which was established in FY 2013 to assist the Town with meeting its potential post-employment benefits obligation.

**The Board of Selectmen recommends approval of Article 6 by a vote of 5-0**

**The Finance Committee recommends approval of Article 6 by a vote of 6-0**

## Article 7

To see if the Town will vote to amend Article XVI, §174-91 of the Zoning Bylaws by substituting the term “Select Board” for “Board of Selectmen”, and further, by deleting the terms “Board of Selectmen” and “Selectmen” in every other instance in which they appear in the Zoning Bylaw and inserting in their place the words “Select Board”, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This is a “housekeeping” article that would delete all references to “Board of Selectmen” or “Selectmen” in the Zoning Bylaw and replace said references with “Select Board”, consistent with Town Meeting’s approval of such an amendment to the General Bylaws pursuant to its vote under Article 1 of the October 18, 2021 Town Meeting.

**The Board of Selectmen recommends approval of Article 7 by a vote of 5-0**

**The Finance Committee recommends approval of Article 7 by a vote of 6-0**

## Article 8

To see if the Town will vote to authorize the Board of Selectmen and the Conservation Commission to convey 2,940 square feet of land under the care and custody of the Town of Mashpee Conservation Commission, which land is a portion of a parcel identified as Mashpee Assessor’s Parcel 30-19-0 and referenced at the Barnstable County Registry of Deeds at Book 3435, Page 86, and to accept the conveyance of 2,940 square feet of land from Jacques Fresco and Rosalie Fresco, which land is a portion of a lot identified as 3 Santuit Lane, Mashpee Assessor’s Parcel 30-20-0 and referenced at the Barnstable County Registry of Deeds in Book 2879, Page 172, and to accept such land into the care and custody of the Mashpee Conservation Commission, for purposes of curing an encroachment upon Town-owned land, all as shown on a plan of land on file at the Office of the Town Clerk, and further to authorize the Board of Selectmen and the Conservation Commission to file a petition with the General Court under Article 97 of the Declaration of Rights for the purposes of this article, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by the Board of Selectmen and the Conservation Commission

**Explanation:** This Article will remedy an encroachment on Town owned land at 3 Santuit Lane by a land swap between the owners and the Town.

**The Board of Selectmen recommends approval of Article 8 by a vote of 5-0**

**The Finance Committee recommends approval of Article 8 by a vote of 6-0**

## Article 9

To see if the Town will vote to authorize the total expenditures for the following revolving funds pursuant to G.L. Ch. 44 Section 53E ½ for the fiscal year beginning July 1, 2022 to be expended in accordance with the Bylaw establishing said revolving funds, heretofore approved, or take any other action relating thereto.

| FUND                  | FY 2023 AUTHORIZATION |
|-----------------------|-----------------------|
| RECREATION            | \$580,000             |
| LIBRARY               | \$20,000              |
| SENIOR CENTER         | \$15,000              |
| HISTORICAL COMMISSION | \$2,500               |

Submitted by the Finance Director

**Explanation:** This article establishes the FY 2023 expenditure limits for departmental revolving funds.

**The Board of Selectmen recommends approval of Article 9 by a vote of 5-0**

**The Finance Committee recommends approval of Article 9 by a vote of 6-0**

## Article 10

To see if the Town will vote to appropriate and transfer the sum of \$250,000 from revenue available for appropriation, to be deposited into special injury leave indemnity fund, (Injured on Duty Fund), in accordance with the provisions of General Law Chapter 41, Section 111F for the purposes of funding injury leave compensation or medical bills incurred under said law, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** This article would deposit \$250,000 into the special injury leave indemnity fund (Injured on Duty Fund).

**The Board of Selectmen recommends approval of Article 10 by a vote of 5-0**

**The Finance Committee recommends approval of Article 10 by a vote of 6-0**

## Article 11

To see if the Town will vote to appropriate \$522,112 to establish a budget for the PEG Access and Cable Related fund for fiscal year 2023, with said appropriation to be funded through the current balance of the fund, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** The Department of Revenue now requires the Town to vote a yearly budget based on estimated expenditures from the fund for the next fiscal year. The total budget voted may not exceed the current balance within the fund.

**The Board of Selectmen recommends approval of Article 11 by a vote of 5-0**

**The Finance Committee recommends approval of Article 11 by a vote of 5-0-1 (abstention)**

## Article 12

To see if the Town will vote to appropriate and transfer the sum of \$14,712.00 from the Ambulance Receipts Account to the Fire Department Expense Account, or take any other action related thereto.

Submitted by the Fire Department

**Explanation:** This article is to use Ambulance Receipts funds for the purchase of three (3) ProCare Stair Chairs (1 for each ambulance) used to move patients from their home to an ambulance.

**The Board of Selectmen recommends approval of Article 12 by a vote of 5-0**

**The Finance Committee recommends approval of Article 12 by a vote of 6-0**

## Article 13

To see if the Town will vote to authorize the creation of four (4) additional positions within the Fire Department for full-time firefighters, contingent upon the receipt of the Federal Staffing for Adequate Fire and Emergency Response (SAFER) Grant, with said positions to be classified under the Mashpee Permanent Firefighters Association Local 2519, effective July 1, 2022, and further to authorize the Town Manager and/or Select Board to file any applications and/or take whatever other action may be necessary to secure said federal SAFER grant funds, or take any other action relating thereto.

Submitted by the Fire Department

**Explanation:** This article would authorize the creation of employment positions for and the hiring of four (4) additional Firefighters funded for three years by the Federal Staffing for Adequate Fire and Emergency Response Grants (SAFER) Grant. The SAFER Grant program was created to provide funding directly to fire departments to help them increase or maintain the number of trained, "front line" firefighters available in their communities. These positions will only be created if the Federal SAFER Grant is approved. The increase in staff would ensure that the Town is meeting applicable NFPA staffing and deployment standards. The Town of Mashpee would be responsible for all salaries and expenses after three years or upon the expiration of the Federal SAFER Grant funds.

**The Board of Selectmen recommends approval of Article 13 by a vote of 5-0**

**The Finance Committee recommends approval of Article 13 by a vote of 6-0**

## Article 14

To see if the Town will vote to raise, borrow or transfer from available funds and appropriate a sum of money, not to exceed \$750,000, to provide for road improvement projects under the Chapter 90 program, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** This article authorizes use of funds which will be 100% reimbursed by the Commonwealth of Massachusetts. The budget approved each fiscal year by the Legislature and Governor establishes the total funding available for Chapter 90 local transportation aid for that year. These funds are then apportioned to the 351 Massachusetts towns and cities. The funding authorized by this article is the maximum anticipated Town's share of the FY22 Chapter 90 program.

**The Board of Selectmen recommends approval of Article 14 by a vote of 5-0**

**The Finance Committee recommends approval of Article 14 by a vote of 6-0**



## Article 15

To see if the Town will vote to appropriate the sum of \$446,205, for the operation of the Kids Klub Enterprise Fund for Fiscal Year 2023; said sum to be raised from \$446,205 in receipts of the Enterprise, or take any other action relating thereto.

Submitted by the Recreation Department

|                                       |                          |
|---------------------------------------|--------------------------|
| <b><u>Estimated Revenues</u></b>      |                          |
| Registration Fees                     | \$ 3,500                 |
| Tuition                               | \$ 442,430               |
| <u>Investment Income</u>              | <u>\$ 275</u>            |
| <b><u>Total Budgeted Revenue</u></b>  | <b><u>\$ 446,205</u></b> |
| <b><u>Estimated Expenses</u></b>      |                          |
| Salary (full-time; incl. long.)       | \$ 290,256               |
| Salary (part-time)                    | \$ 49,500                |
| Benefits (Health, Life, Medicare)     | \$ 52,400                |
| <u>Building Expenses</u>              | <u>\$ 54,049</u>         |
| <b><u>Total Budgeted Expenses</u></b> | <b><u>\$ 446,205</u></b> |
| <b><u>Net Profit/Loss</u></b>         | <b><u>\$0</u></b>        |

**Explanation:** The proposed Recreation Enterprise budget for fiscal year 2023 will authorize the Recreation Department to operate a toddler/pre-school program as a self-sufficient, self-funded operation. All costs related to this program are projected are to be offset by the revenues of the program. Any monies in excess of the expenses are to remain in the account.

**The Board of Selectmen recommends approval of Article 15 by a vote of 5-0**

**The Finance Committee recommends approval of Article 15 by a vote of 6-0**

## Article 16

To see if the Town will vote to appropriate and transfer from the FY 2023 Community Preservation Fund Estimated Revenues, the sum of \$40,000 to the Community Preservation Committee Administrative and Operating Expense Account, pursuant to the provisions of M.G.L., Chapter 44B, §5, including any necessary costs related thereto, as recommended by the Community Preservation Committee or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** To provide annual funding in FY 2023 for the administrative and operational costs of the Community Preservation Committee which includes project costs associated with and incidental to the Community Preservation Committee. Under the CPA Act, up to 5% of the annual CPA funds may be spent on the operation and administrative costs of the Community Preservation Committee. Funding supports legal and professional fees, technical reviews, appraisal costs, signage, annual Community Preservation Coalition dues, administrative wages, office supplies and similar costs associated with and incidental to the development of a CPA project.

The Community Preservation Committee recommends approval of Article 16 by a vote of 7-0.

**The Board of Selectmen recommends approval of Article 16 by a vote of 5-0**

**The Finance Committee recommends approval of Article 16 by a vote of 6-0**

## Article 17

To see if the Town will vote to continue participation in the Community Septic Management Program and the Massachusetts Clean Water Trust for the purpose of making loans to residents of the Town for repairing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including all costs incidental and related thereto, or to take any other action relative thereto.

Submitted by the Board of Health

**Explanation:** The Commonwealth of Massachusetts, through the Massachusetts Clean Water Trust, has provided approximately \$660,000.00 at 0% interest to the Town of Mashpee to assist homeowners in complying with failed Title V systems since 1998. The loans are available to homeowners at 5% interest, to cover any ongoing costs of the program. Loans must be secured by a betterment assessed by the Town on the property being improved by the loan. The repayment of the loans to the town with the 5% interest is being repaid through previously issued property betterments. In order for the town to be able to re-loan funds to future additional septic projects, the town must annually reauthorize/re-approve participation in the Community Septic Management Program. Failure to reauthorize participation in the Program will restrict the town from re-lending funds to homeowners with failed septic systems. The repaid monies will be held in an account with the principal amount repaid to the Massachusetts Clean Water Trust as scheduled.

**The Board of Selectmen recommends approval of Article 17 by a vote of 5-0**

**The Finance Committee recommends approval of Article 17 by a vote of 6-0**

## Article 18

To see if the Town will vote to amend the general bylaws as follows:

General Bylaws, Chapter 147, Article III

§147-6 Deposit of Snow on Town Ways and Property; Violations and Enforcement.

No person other than an employee in the service of the Town or an employee in the service of an independent contractor acting for the Town shall pile, push, plow, or otherwise deposit snow or ice on to a Town way, private way open to public use designated by the Select Board for purposes of G.L. c. 40, §6C, bikeways, parks, parking areas or other Town owned property so as to impede the flow of vehicular or pedestrian traffic on such ways or interfere with the public use of such property. Whoever violates this section shall be punished by a fine of two hundred dollars for each offense. The provisions of this Chapter shall be enforced by the Mashpee Police Department, the Director of Public Works, or his/her designee. The provisions of MGL C. 40, §21D, providing for noncriminal disposition of violations shall be applicable and the person taking cognizance of any violation hereof may issue to the offender a written notice as provided for in said §21D as an alternative to District Court criminal proceedings or other available enforcement remedies, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** This Article would amend the town's general bylaws to prevent contractors from plowing snow from private property onto Town roads, particularly from commercial parking lots.

**The Board of Selectmen recommends approval of Article 18 by a vote of 5-0**

**The Finance Committee recommends approval of Article 18 by a vote of 6-0**

## Article 19

To see if the Town will vote to appropriate and transfer the sum of \$195,000 from the Waterways Improvement Fund to the Engineering/Permitting/Dredging and Associated Expense Account or take any other action relating thereto.

Submitted by the Waterways Commission

**Explanation:** This Article will provide funds for various Waterways projects.

**The Board of Selectmen recommends approval of Article 19 by a vote of 5-0**

**The Finance Committee recommends approval of Article 19 by a vote of 6-0**

## Article 20

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Christopher Lane and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$5,000 to the Christopher Lane Roadways Account, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by Petition

**Explanation:** This Article authorizes the Town to layout and define Christopher Lane and to appropriate funding for this purpose.

**The Board of Selectmen recommends approval of Article 20 by a vote of 5-0**

**The Finance Committee recommends approval of Article 20 by a vote of 6-0**

## Article 21

To see if the Town will vote to accept the layouts as public ways of Oldham Circle, as shown on plans entitled "Oldham Circle, Road Taking Plan," in Mashpee, MA (Barnstable County), dated December 20, 2020 and prepared by Cape & Islands Engineering, Inc., which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$ 387,906.75 to the "Oldham Circle" Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, legal, financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by Petition

**Explanation:** This article authorizes the Town to complete the private to public road conversion process for Oldham Circle.

**The Board of Selectmen recommends approval of Article 21 by a vote of 5-0**

**The Finance Committee recommends approval of Article 21 by a vote of 6-0**

## Article 22

To see if the Town will vote to affirm that the center of community activity in Mashpee is located around the region of the confluent of Main Street (Route 130) and Great Neck Road North, wherein are located Mashpee's Community Park, Veterans' Garden, Mashpee Town Hall, Mashpee Archives, Mashpee's Community Garden, Mashpee's Historic District, Mashpee's 1831 One-Room Schoolhouse, Mashpee's Wampanoag Museum, the Mashpee River Herring Run and local businesses, or take any other action relating thereto.

Submitted by Petition

**Explanation:** Recent building booms in Town have created confusion in the municipality as to the location of the Town Center. At least one recent map erroneously named a privately owned shopping center as the "Town Center." This has created uncertainty for many residents and visitors. This affirmation clarifies the situation.

**The Board of Selectmen recommends approval of Article 22 by a vote of 5-0**

**The Finance Committee recommends approval of Article 22 by a vote of 5-1**

## Article 23

To see if the Town will vote to instruct the Mashpee Select Board to replace no later than three months from the date of this vote the current shoulder patch worn on Mashpee Police uniforms with the newly adopted Town Seal.

Submitted by Petition

**Explanation:** The uniform of Mashpee police officers inappropriately features an identifying shoulder patch with a symbol of a privately owned business, thus favoring one business at the expense of others, The Town Seal, created by the dedicated work of a team specially appointed town committee, is the correct signifier.

**The Board of Selectmen makes no recommendation of Article 23 by a vote of 5-0**

**The Finance Committee makes no recommendation on Article 23 by a vote of 3-3**

## Article 24

To see if the Town will vote to authorize the Selectmen to acquire, by purchase, gift, eminent domain, or otherwise for conservation, open space and passive recreational purposes, for the general public, consistent with the provisions of Mass. Gen. Laws, Ch. 40, §8C, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the parcels of land totaling 32 acres, more or less, identified on the 2021 Mashpee Assessors' Map as Map 68 Blocks 5 and 6, Map 75 Block 1, that portion of Map 74 Block 16 lying east of a line running from that point on the south side of the layout of State Route 28 lying directly opposite the southernmost corner of Map 67 Block 9 to the northernmost corner of Map 74 Block 17, that portion of Map 75, Block 10 lying southeast of Map 68 Block 5 and Map 75 Block 1, and the remainder of Trout Pond, by completing the following steps by October 1, 2023:

1. Contact the property owner(s) to discuss and negotiate the acquisition, purchase and/or acceptance of the land by the Town, and if the Town and the property owner(s) cannot reach a mutual agreement, to proceed with an eminent domain taking per MGL Chapter 79; and

2. Prepare an update of the Town's current Open Space Conservation & Recreation Plan for submission to and approval by the Commonwealth of Massachusetts Division of Conservation Services and Secretary of Energy and Environmental Affairs to re-qualify the Town for approval and receipt of State LAND and PARC grants and grants from the Federal Land & Water Conservation Fund; and
3. Complete all the steps, including appraisals, necessary to apply for, accept and expend any funds which may be provided by the Town, the Commonwealth, the United States Government, or other public or private source to defray a portion or all of the costs of acquiring or purchasing said property, including but not limited to, funding under the Community Preservation Act, General Laws, Ch. 44B, and/or the Self-Help Act, General Laws, Ch. 132A, Section 11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897; and
4. Include and place on the Spring Annual Town Meeting Warrant in 2023 an Article to see if the Town will:
  - a. authorize the Board of Selectmen to raise and appropriate, transfer from available funds, and/or borrow a sum to fund the foregoing acquisition or purchase and all costs incidental or related thereto; provided, however, that the sum is listed and does not exceed the appraised market value of the said parcels as determined by appraisal(s) done in compliance with the Uniform Standards of Professional Appraisal Practice and approved by any State or Federal agencies from whom grants are to be sought; and
  - b. authorize the Board of Selectmen and Conservation Commission to apply for grants under the State's LAND program and/or the Federal Land & Water Conservation Fund, or any other funding source, and enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to affect this purchase and to obtain reimbursement funding for any funds expended to purchase said lands;
  - c. authorize the Board of Selectmen to grant to a governmental agency or non-profit organization, for no consideration, a perpetual Conservation Restriction, pursuant to the provisions of General Laws, ch. 184, §31 through §33, limiting the use of the property to the purpose for which it was acquired, to be recorded at the time of closing or within a reasonable amount of time thereafter; and
  - d. authorize the Conservation Commission to assume the care, custody, control and management of the property,

or to take any other action relating thereto.

Submitted by Petition

**Explanation:** This article authorizes the Selectmen to acquire, by purchase, gift, eminent domain, or otherwise for conservation, open space and recreation the Trout Pond area, a Town treasure. Pre-contact artifacts have been found here. Endangered and threatened species rely on this area. Forestalling development here will help the beleaguered Mashpee River.

**The Board of Selectmen makes no recommendation of Article 24 by a vote of 4-1**

**The Finance Committee does not recommend approval of Article 24 by a vote of 6-0**

## Article 25

To see if the Town will vote to instruct the Town Select Board to begin each meeting with an acknowledgement of land, which affirms that the present Town of Mashpee is established upon land long occupied by the Mashpee Wampanoag people for at least the past 10,000 years.

Submitted by Petition

**Explanation:** An acknowledgement of land is a formal statement that recognizes and respects various Indigenous Peoples as traditional stewards of the land. Land acknowledgements have already been adopted by hundreds of municipalities around the world. The precise wording of the sentence can be determined by the five-member Mashpee Select Board.

**The Board of Selectmen makes no recommendation of Article 25 by a vote of 5-0**

**The Finance Committee makes no recommendation of Article 25 by a vote of 7-0**

## Article 26

To see if the Town will vote to instruct the Select Board to address immediately the growing burden of onerous property tax increases on the Town's low- and moderate-income property owners. This action should be completed in ample time in order to report to the citizenry prior to the next public hearing on the Town's tax classifications.

Submitted by Petition

**Explanation:** Valuation of homes in Town have risen immensely in recent years. Those increases have in turn brought about large increases in property taxes. The Town's less financially fortunate property owners are feeling the financial squeeze. Other towns, facing the same problem, have found a variety of solutions. The Mashpee Select Board should set to work immediately to find solutions to this problem.

**The Board of Selectmen recommends approval of Article 26 by a vote of 5-0**

**The Finance Committee does not recommend approval of Article 26 by a vote of 6-0**

## Article 27

To see if the Town will vote to amend the Town of Mashpee General By-laws Chapter 127, §127.2, §127.3, §127.4, §127.5, by striking said sections in their entirety, or take any other action relating thereto.

Submitted by Petition

**Explanation:** This petition would reverse the impending ban on the sale of single use water bottles throughout the Town of Mashpee which is set to go into effect on September 30, 2022.

**The Board of Selectmen does not recommend approval of Article 27 by a vote of 3-2**

**The Finance Committee recommends approval of Article 27 by a vote of 4-2**

## Article 28

To see if the Town will vote to establish a 10% limit on the amount by which the Town of Mashpee (the "Town") can increase residential real estate tax in a single tax year (as compared to real estate tax in the prior tax year) on any property owned, directly or indirectly, by one or more individuals aged 65 years or older. This 10% annual limit would be suspended for any tax year in which new permitted construction has been completed. Upon approval, this 10% annual limit will be in effect starting in the 2023 tax year (using the 2022 tax year as the basis by which to measure the 10% maximum increase). Once the Town determines that at least one owner of a particular parcel of residential real estate is eligible for this 10% annual limit, this limit shall continue to apply until the property is sold or otherwise transferred or until the death of the eligible owner(s), whichever occurs sooner. , or take any other action relating thereto.

Submitted by Petition

**Explanation:** Dramatic increases in sale prices have pushed residential real estate tax assessments in Mashpee to record levels. Many vulnerable senior citizens have been subject to devastating real estate tax increases of 20% to 50%. A 10% annual tax cap protects those seniors and allows them to stay in their homes.

**The Board of Selectmen does not recommend approval of Article 28 by a vote of 4-0-1 (abstention)**  
**The Finance Committee does not recommend approval of Article 28 by a vote of 6-0**

## Article 29

To see if the Town will vote to amend §174-3 of the Mashpee Zoning By-Law, Terms Defined as follows:

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of a photovoltaic system in watts of Direct Current (DC).

Solar Collector: A device, structure or a part of a device or structure for the primary purpose of harvesting solar energy for use in a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feather for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Solar Energy System, Active: A solar energy system that collects and transforms solar energy into another form of energy or transfers heat from a solar collector to another medium, via mechanical, electrical or chemical means.

Solar Energy System, Grid-Intertie: A photovoltaic system or other active solar energy system designed to generate electricity that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An active solar energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large Scale: An active solar energy system that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium Scale: An active solar energy system that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10-150 kW DC).

Solar Energy System, Off-Grid: A photovoltaic system or other active solar energy system designed to generate electricity in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System, Roof-Mounted: An active solar energy system that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale: An active solar energy system that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 15 kW DC or less).

Submitted by the Petition

**Explanation:** This amendment serves to define terms that are used in the new proposed Solar Energy Systems Overlay District.

**The Board of Selectmen will make a recommendation at Town Meeting of Article 29 by a vote of 5-0**  
**The Finance Committee will make a recommendation at Town Meeting of Article 29 by a vote of 6-1**

### **Article 30**

To see if the Town will vote to amend §174-4, Enumeration of Districts by adding:

SOLAR ENERGY SYSTEMS OVERLAY DISTRICT

Submitted by Petition

**Explanation:** This article would create and establish a Solar Energy System Overlay District as enumerated in proposed Section 174-45.7.

**The Board of Selectmen will make a recommendation at Town Meeting of Article 30 by a vote of 5-0**  
**The Finance Committee will make a recommendation at Town Meeting of Article 30 by a vote of 6-1**

### **Article 31**

To see if the Town will vote to amend §174-5, Establishment of Zoning Map by adding §174-5 (H) as follows:

The Solar Energy Systems Overlay District shall include all of the parcels of land described as follows:

All of the land as shown on Town of Mashpee Assessor Fiscal Year 2022 Tax Maps: 72-117; 72-113; 72-112; 72-111; 72-110; 72-118; 79-80; 79-79; 79-71; 79-72; 79-73; 79-74; 79-75; 79-76; 79-77 and 79-78.

All are located in the R-5 and C-2 Zoning District.

Submitted by Petition



**Explanation:** This article is intended to define by reference to the Mashpee Assessor Fiscal Year 2022 tax maps, the land within the Solar Energy Systems Overlay District that should be attached to this zoning map.

**The Board of Selectmen will make a recommendation at Town Meeting of Article 31 by a vote of 5-0**  
**The Finance Committee will make a recommendation at Town Meeting of Article 31 by a vote of 6-1**

### Article 32

To see if the Town will vote to amend §174-25 (H)(12) of the Mashpee Zoning By Law "Table of Use Regulations by adding "SP" under Zoning Districts R-5 and C-2

| TYPE OF USE   | RESIDENTIAL |     | COMMERCIAL |     |     | INDUSTRIAL |
|---|-------------|-----|------------|-----|-----|------------|
|   | R-3         | R-5 | C-1        | C-2 | C-3 | I-1        |
| Medium-scale and Large-scale Ground mounted Solar Energy Systems, provided that neighboring properties are effectively protected from any significant adverse impacts from glare, that any such systems are properly fenced or otherwise secured, and that no hazardous materials are stored in quantities greater than permitted by other sections of this By-Law, subject to approval by the Plan Review Committee and Design Review Committee.<br><br>(Allowed by SP under 174-45.7 only in the Solar Energy System Overlay District). |             | SP  |            | SP  |     | PR         |

Submitted by Petition

**Explanation:** This article would allow the development of medium and large scale solar energy systems in the residential (R-5) and commercial (C-2) zoning districts with a Special Permit from the Planning Board provided they are within the Solar Energy Systems Overlay District.

**The Board of Selectmen will make a recommendation at Town Meeting of Article 32 by a vote of 5-0**  
**The Finance Committee will make a recommendation at Town Meeting of Article 32 by a vote of 6-1**

### Article 33

To see if the Town will vote to amend Article VII Land Space Requirement, Section 174-31, Land Space Requirement Table by adding footnote "25" to "maximum of lot coverage (percent)." Footnote 25 would read as follows:

Structures erected solely for the purpose of roof-mounted solar energy systems in permitted parking lots/areas shall not contribute to a parcel's lot coverage maximum but shall comply with all setback criteria of the applicable zoning district. For medium and large scale solar energy systems requiring a special permit from the Planning Board, pursuant to Sec.174-25(H)12 Solar Energy Systems Overlay District, the Planning Board may, at its sole discretion, approve in its decision a solar energy system whose lot coverage exceeds 20% in consideration of site specific conditions.

Submitted by Petition

**Explanation:** Rationale and support for zoning change to enhance the density of solar projects in Mashpee: In 2018 the Commonwealth of Massachusetts put forth a new solar initiative called the Smart program. This groundbreaking concept will help Massachusetts be a leader in solar energy. Given the high cost of land in Mashpee, it is essential to achieve enough density to make a solar project meaningful. The proposed footnote to the By-Law will give the planning board sufficient tools and oversight to achieve an appropriate balance between solar project density and the needs of the community.

**The Board of Selectmen will make a recommendation at Town Meeting of Article 33 by a vote of 5-0**  
**The Finance Committee will make a recommendation at Town Meeting of Article 33 by a vote of 6-1**

### Article 34

To see if the Town will vote to establish within the Town of Mashpee a Solar Energy System Overlay District by adding a new Section 174-45.7 as follows:

#### **SOLAR ENERGY SYSTEMS OVERLAY DISTRICT**

##### **A. Purpose and Intent**

1. This section promotes the creation of new small, medium and large-scale, ground-mounted solar energy systems overlay district, in the areas which are delineated on a map dated January 25, 2021 and entitled "Solar Energy Systems Overlay District, ROUTE 151, ALGONQUIN AVENUE AND OLD BARNSTABLE ROAD, Mashpee, Massachusetts," (attached hereto) and which shall be considered as superimposed over other districts established by the zoning by-laws of the Town. This map, as it may be amended from time to time, is on file with the office of the Town Clerk and with any explanatory material therein, is hereby made a part of this chapter, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installations. This Overlay District Ordinance is adopted pursuant to the Commonwealth of Massachusetts green Communities Act and Massachusetts General Laws Chapter 40A Section 3.

2. Uses, other than Solar Energy Systems, otherwise not permitted in the portions of a zoning district superimposed by this district shall not be permitted in this district.

3. The Solar Energy Systems Overlay District shall include all of the land within the lines described in subsection B, which are in the R-5 and C-2 zoning districts. Medium and large scale solar energy systems located in the industrial zoning district (I-1) are exempt from the requirements of this chapter and require approval only from the Plan Review Committee pursuant to the applicable dimensional criteria of the zoning district.

## **B. Bounds**

1. Including all of the land within the following described lines:

Property Description: The land in the Town of Mashpee, Barnstable County, Massachusetts beginning at the Northeast corner of the premises at Route 151; thence South 05°54'17" West, a distance of 203.10'; thence South 82°22'02" East, a distance of 107.07'; thence South 08°34'16" West, a distance of 154.18'; thence South 84°05'40" East, a distance of 272.51'; thence South 09°46'40" West, a distance of 1,026.79' by Algonquin Avenue; thence North 77°51'29" West, a distance of 320.36' by Old Barnstable Road; thence South 89°31'13" West, a distance of 731.65' by Old Barnstable Road; thence North 73°24'07" West, a distance of 125.90' by Old Barnstable Road; thence North 66°44'57" West, a distance of 568.90' by Old Barnstable Road; thence Northerly along centerline old brick yard road West, a distance of 1,080'+/-; thence North 83°31'22" West, a distance of 27.59' +/- to ditch; thence Northerly along ditch West a distance of 175'+/-; thence North 85°34'30" East a distance of 5'+/-; thence North 24°26'35" West, a distance of 150.11' to Old Barnstable Road; thence With a curve turning to the left with an arc length of 76.29' by Route 151 with a radius of 4,189.42' to a concrete bound; thence South 09°02'50" East, a distance of 159.61'; thence South 10°46'40" East a distance of 42.72'; thence South 04°15'30" East, a distance of 206.16'; thence South 76°43'49" East, a distance of 300.57'; thence North 09°46'40" East, a distance of 433.00' to Route 151; thence South 84°05'40" East, a distance of 63.18' by Route 151; thence With a curve turning to the left with an arc length of 37.30' with a radius of 25.00'; thence South 09°46'40" West, a distance of 154.04'; thence South 80°13'20" East, a distance of 199.99'; thence North 09°46'36" East, a distance of 190.94' to Route 151; thence South 84°05'40" East, a distance of 405.08' along Route 151, which is the point of beginning and having an area of 39.674 acres.

Meaning and intending to include all of the land as shown on Town of Mashpee Assessor Fiscal Year 2021 Tax Maps: 72-117; 72-113; 72-112; 72-111; 72-110; 72-118; 79-80; 79-79; 79-71; 79-72; 79-73; 79-74; 79-75; 79-76; 79-77 and 79-78.

### **C. Permitted Uses**

Within the Solar Energy Systems Overlay District, the following uses are permitted provided all necessary permits, orders and approvals required by local, state and federal law are obtained.

1. Any medium or large scale solar energy system shall be allowed in the Solar Energy Overlay District only after the issuance of a Special Permit by the Planning Board. In issuing such Special Permit, the Board shall ensure that neighboring properties are effectively protected from any significant adverse impacts from glare that any such systems are properly fenced or otherwise secured and that no hazardous materials are stored in quantities greater than permitted by other sections of this by-law, subject to approval by the Plan Review Committee and Design Review Committee.
2. The Solar Energy System's owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the ground-mounted solar energy system and any access road(s).

### **D. Dimensional Criteria**

Small, Medium and Large Scale Solar Energy Systems

1. Small, Medium and Large Scale Solar Energy Systems may be accessory to another principal structure or use provided that they satisfy the dimensional criteria and performance standards contained in this section.
2. Ground-mounted solar energy systems shall be set back a distance of at least 100 feet from a public or private way. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
3. Ground-mounted solar energy systems shall be set back a distance of at least 125 feet from any inhabited residence, and 100 feet from any property in residential use. For the purposes of this section, a residence is defined as a primary living structure and not accessory structures. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
4. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from any commercial property or use and 25 feet from any industrial property or use notwithstanding the provisions of paragraph 2 above (relative to medium and large scale solar energy systems). The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
5. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from abutting conservation land and any property not included in the Ground-mounted solar array application. The Planning Board may reduce the minimum setback distance as appropriate based on site specific considerations.
6. Fixed tilt Ground-mounted solar energy systems shall have a maximum height of 15 feet above grade. In the case of single or dual axis tracking Ground-mounted solar energy systems, the Planning Board may increase the maximum height as appropriate based on site-specific considerations.

7. Inverters, energy storage systems, and transmission system substations shall be set back a distance of at least 200 feet from any residence. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific conditions.

#### **E. Special Permits Rules and Application Requirements**

A Solar Energy System Special Permit shall not be granted unless each of the following requirements, in addition to the requirements in §174-24 C Special Permit use, are satisfied:

1. A properly completed and executed application form and application fee.
2. Any requested waivers. To this end, as part of its Special Permit decision, the Planning Board may, at its sole discretion, establish a lot coverage maximum that exceeds 20% in consideration of site specific conditions.
3. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
4. Names, contact information and signatures of any agents representing the project proponent.
5. Name, address and contact information for proposed system installer.
6. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.
7. Proposed hours of operation and construction activity.
8. Blueprints or drawings of the solar energy system signed by a Massachusetts' licensed Registered Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.
9. Utility Notification: Evidence that the utility company that operates the electrical grid where a grid-intertie solar energy system is to be located has been informed of the system owner or operator's intent to install an interconnected facility and acknowledges receipt of such notification, and a copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code (527 CMR§ 12.00) compliant disconnects and overcurrent devices. Off-grid solar energy systems shall be exempt from this requirement.
10. Documentation of the major system components to be used, including the electric generating components, battery or other electric storage systems, transmission systems, mounting system, inverter, etc.
11. Preliminary Operation and Maintenance Plan for the solar energy system, which shall include measures for maintaining safe access to the installation, storm water management, vegetation controls, and general procedures for operational maintenance of the installation.

12. **Abandonment and Decommissioning Plan:** Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned (i.e., when it fails to operate for more than one year without the written consent of the Planning Board) shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. The Abandonment and Decommissioning Plan shall include a detailed description of how all of the following will be addressed:

- (a) Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
- (b) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow landscaping or below-grade foundations left *in situ* in order to minimize erosion and disturbance of the site.
- (d) Description of financial surety for decommissioning: Proponents of ground-mounted solar energy systems shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be commercially reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.
- (e) It shall be a condition of any special permit that all legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation shall be provided prior to the issuance of a building permit.

**F. Required Performance Standards: Small, Medium and Large Scale Solar Energy Systems**

- 1. **Visual Impact Mitigation:** The site plan for a ground-mounted solar energy system shall be designated to screen the array to the maximum extent practicable year round from adjacent properties in residential use and from all roadways.
- 2. All required setbacks shall be left in their undisturbed natural vegetated condition for the duration of the solar energy system's installation. In situations where the naturally vegetated condition within required setback is not wooded and does not provide adequate screening of the solar array, the Planning Board may require additional intervention including, but not limited to:
  - (a) A landscaping plan showing sufficient trees and understory vegetation, of a type common in natural areas of Mashpee, to replicate a naturally wooded area and to constitute a visual barrier between the proposed array and neighboring properties and roadways.
  - (b) Berms along property lines and roadways with suitable plantings to provide adequate screening to neighboring properties and roadways.

3. **Lighting:** Lighting of ground-mounted solar energy systems shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
4. **Signage:** Signs on ground-mounted solar energy systems shall comply with all applicable regulations of this by-law and/or any Town sign by-law. A sign shall be required to identify the owner, operator and interconnected utility and provide a 24-hour emergency contact phone number. Ground-mounted solar energy systems shall not be used for displaying any advertising signage.
5. **Utility Connections:** Within setback distances and except where soil conditions, location, property shape, and topography of the site or requirements of the utility provider prevent it, all utility connections from grid-intertie solar energy systems shall be placed underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
6. **Vegetation Management:** All land associated with the ground-mounted solar energy system shall be covered and grown in natural vegetation. The height of vegetation must be managed by regular mowing or grazing so as to minimize the amount and height of combustible material available in case of fire. Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation. To the greatest extent practicable, a diversity of plant species shall be used, with preference give to species that are native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts department of Agricultural Resources is prohibited. Management of all vegetated areas shall be maintained throughout the duration of the solar energy system's installation through mechanical means without the use of chemical herbicides.
7. **Noise Generation:** Noise generated by ground-mounted solar energy systems and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality Noise Regulations, 310 CMR 7.10.
8. **Fencing:** Fencing around solar arrays shall provide a minimum 6" clearance between the fence bottom and the ground to allow passage of small wildlife. The Planning Board shall require resident style fencing where necessary to screen the solar energy systems year round from adjacent residences.
9. **Land Clearing and Soil Erosion:** Clearing of natural vegetation and topsoil shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted solar energy system. No topsoil removed during construction shall be exported from the site.
10. **Erosion Control and Stormwater:** Erosion Control and Stormwater Management notation shall be included to show that adequate provisions against erosion and adverse impacts of runoff are appropriately mitigated.
11. **Emergency Services:** The ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Mashpee Fire Department and any other neighboring Fire Department upon request. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

**Explanation:** This section promotes the creation of new Solar Energy Systems Overlay District for small, medium and large-scale, ground-mounted solar energy systems on land with the Overlay District currently zoned R-5 and C-2 by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installation.

**The Board of Selectmen will make a recommendation at Town Meeting of Article 34 by a vote of 5-0**  
**The Finance Committee will make a recommendation at Town Meeting of Article 34 by a vote of 6-1**

## **Article 35**

To see if the Town will vote to amend the Zoning By-law as follows:

Add a new sub-Section to any Solar Energy System Overlay District zoning bylaw by adding to the Required Performance Standards for Small, Medium and Large Scale Solar Energy Systems the following:

### **174-45.7 SOLAR ENERGY SYSTEMS OVERLAY DISTRICT**

#### **Section F. Required Performance Standards: Small, Medium and Large Scale Solar Energy Systems**

12. Open Space Requirement. A Solar Energy System which encompasses a minimum land area of seven acres, which may be in one or more parcels, and shall consist of one acre of allowed developed area for each half acre of upland (i.e. excluding water bodies or wetlands as defined under MGL C. 131, §40) permanently set aside as undeveloped open space and deeded to the Town of Mashpee in the care and custody of its Conservation Commission (provided that said land is not subject to any previous conservation restriction or other prohibition on its development), or to a nonprofit organization, the principal purpose of which is the conservation of open space, in either case subject to a formal conservation restriction to be held by the Town of Mashpee. The developer's declaration of his choice of the open space preservation methods described above, which may be different for individual such parcels, shall be included in his application for a Special Permit to develop a Solar Energy System, along with maps and plans describing the open space areas. Any water bodies or wetlands, as defined under MGL C. 131, §40, which lie within the boundaries of the Solar Energy System shall also be permanently set aside and deeded to one of the entities identified above under the terms described. When delineating the upland to be set aside as undeveloped open space, any land which is forested shall be prioritized as open space. Before final approval of the Solar Energy System Special Permit, the developer shall also file with the Planning Board a copy of the conservation restrictions necessary to secure the permanent legal existence of the open space and a copy of any proposed deed for transfer in fee to the Town or to a nonprofit organization. Approval of the Solar Energy System shall require approval by the Planning Board of said conservation restrictions after consultation with Town Counsel. As required by law, any such restrictions may also require approval by the Commonwealth of Massachusetts. Any open space required to meet the provisions of this Section shall be surveyed, properly bounded on the ground by concrete monuments and shown on a plan recorded at the Barnstable County Registry of Deeds or Land Court Registry. Said plan shall be recorded and said boundary monuments shall be set within six (6) months of the approval of the Solar Energy System Special Permit. Any transfer of the fee title to property to the Town or a nonprofit organization shall be recorded, along with the required conservation or agricultural restrictions, within one (1) year of the approval of the Solar Energy System Special Permit. Said transfer shall be completed before the issuance of any building permit for development within said phase.



13. Setbacks from water bodies and wetlands. The developed area within a Solar Energy System development may not lie within three hundred (300) feet of any water body or stream or within one hundred (100) feet of any wetland as defined under MGL C. 131, §40.  
or take any other action related thereto.

Submitted by Petition

**Explanation:** This article would amend the Zoning By-law to require that any Solar Energy Systems developments of seven acres or more provide open space (one half acre open space per one acre developed) as well as setbacks from water bodies (300') and wetlands (100') in order to preserve the Town's environment.

**The Board of Selectmen will make a recommendation at Town Meeting of Article 35 by a vote of 5-0**  
**The Finance Committee will make a recommendation at Town Meeting of Article 35 by a vote of 7-0**

**THIS CONCLUDES THE BUSINESS OF THE ANNUAL TOWN MEETING**

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 21st day of March in the year two thousand and twenty two.

Per Order of,  
**Board of Selectmen**

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Carol A. Sherman, Chair

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David W. Weeden, Vice Chair

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Andrew R. Gottlieb, Clerk

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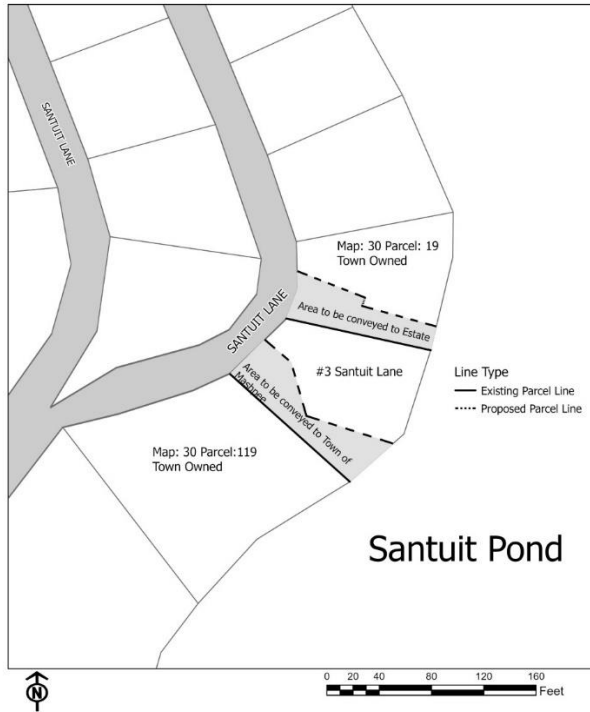
John J. Cotton

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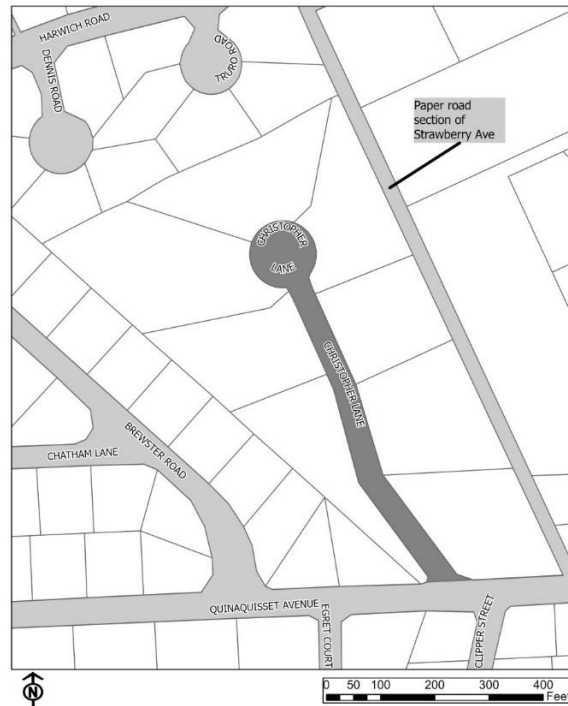
Thomas F. O'Hara

## "APPENDIX A"

### Annual Town Meeting – Article 8 Santuit Lane Land Swap



### Annual Town Meeting – Article 20 Christopher Lane Road Taking



### Annual Town Meeting – Article 21 Oldham Circle Road Taking

